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MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/037,801 03/10/98 LAFOLLETTE

R 7310

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IM22/0909

EXAMINER

ALEJANDRO, R

ART UNIT

PAPER NUMBER

1745

DATE MAILED:

09/09/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED
SEP 14 1999
Foster & Foster L.C.

Office Action Summary

Application No.
09/037,801

Applicant(s)
Lafollete et al.

Examiner
Raymond Alejandro

Group Art Unit
1745



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-102 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-102 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1, drawn to a microelectro-mechanical system and a source of electrical energy, classified in class 429, subclass 122.
 - II. Claims 2, 75 and 77, drawn to a microelectro-mechanical system and a microscopic battery, classified in class 429, subclass 122.
 - III. Claim 3, drawn to a microelectronic circuit and a microscopic battery, classified in class 429, subclass 122.
 - IV. Claims 4-9, drawn to a microelectronic circuit and a microscopic battery, classified in class 429, subclass 122.
 - V. Claims 10-20 and 76, drawn to a microscopic circuit, a microelectro-mechanical system and an aqueous microscopic battery, classified in class 429, subclass 122.
 - VI. Claims 21-32, drawn to a microscopic rechargeable battery comprising etched spaced electrodes, classified in class 429, subclass 128.
 - VII. Claims 33-40, drawn to a microscopic rechargeable battery comprising separated microscopic electrodes, classified in class 429, subclass 209.
 - VIII. Claim 41, drawn to a method, classified in class 29, subclass 623.1.
 - IX. Claim 42, drawn to a method, classified in class 29, subclass 623.1.

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- X. Claim 43, drawn to a method, classified in class 29, subclass 623.1.
- XI. Claims 44-50, drawn to a method, classified in class 29, subclass 623.1.
- XII. Claims 51-54, drawn to a method of making a microscopic battery, classified in class 29, subclass 623.1.
- XIII. Claims 55-63, drawn to a method of making a microscopic battery, classified in class 29, subclass 623.1.
- XIV. Claim 64, drawn to a microscopic battery comprising a thin microscopic rod-shaped electrode, classified in class 429, subclass 128.
- XV. Claims 65-69, 82 and 93, drawn to a multicell rechargeable microscopic battery, classified in class 429, subclass 149.
- XVI. Claims 70-73, 81, 83-85 and 88-92 and 94, drawn to a microscopic conformal microscopic battery comprising an electrolyte, classified in class 429, subclass 126.
- XVII. Claim 74, drawn to a microelectro-mechanical system and a rechargeable microscopic battery, classified in class 429, subclass 122.
- XVIII. Claim 78-80, drawn to an integrated microelectronics system, classified in class 429, subclass 122.
- XIX. Claim 86, drawn to a microscopic battery comprising spaced concentric electrodes, classified in class 429, subclass 209.
- XX. Claim 87, drawn to a method of making a microscopic battery, classified in class 29, subclass 623.1.

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XXI. Claim 95-97, drawn to a method of making a microscopic battery, classified in class 29, subclass 623.1.

XXII. Claim 98-100, drawn to a method of confirming the size of a microscopic battery feature, classified in class 29, subclass 623.1.

XXIII. Claim 101-102, drawn to a method of unitarily fabricating an integrated circuit and microscopic battery, classified in class 29, subclass 623.1.

2. Inventions **A (including the following groups VIII to XIII and XX to XXIII)** and **B (including the following groups I to VII and XIV to XIX)** are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case that the product as claimed can be made by another and materially different process for example the battery could be made along with the MEMS of the microcircuit.

Thus, applicant must elect one of the above groups or the applicant may elect one of the species below.